REMARKS/ARGUMENTS

The claims have been restricted into groups as follows:

Group I: Claims 1-11, 21-23, 26-27, drawn to a peptide labeled with fluorine-18 wherein compound (CI) corresponds to (CII), kits and pharmaceutical compositions thereof.

Group II: Claims 1-9, 12-13, 21-23, 26-27, drawn to a peptide labeled with fluorine-18 wherein compound (CI) corresponds to (CIII).

Group III: Claims 1-9, 14-15, 21-23, 26-27, drawn to a peptide labeled with fluorine-18 wherein compound (CI) corresponds to (CIV).

Group IV: Claims 1-9, 16-18, 21-23, 26-27, drawn to a peptide labeled with fluorine-18 wherein compound (CI) corresponds to (CV).

Group V: Claims 1-9, 19-20, drawn to a method for synthesizing a peptide labeled with radioactive halogen comprising a step for adding a compound (CI) of the general formula.

Group VI: Claims 1-9, 24-25, drawn to a method of using a peptide labeled with fluorine-18 for the detection of lipids at the surface of cells.

In addition, if one of Groups I-IV is elected, election of a single species by identification of a sequence represented by SEQ ID NO. and a single compound (CI) as well as identification whether the sequences are being labeled directly or indirectly with the compound (CI) is also required.

Applicants elect, with traverse, **Group I, Claims 1-11, 21-23, 26 and 27**, for examination.

As a single disclosed specie, for examination purposes only, Applicants elect the peptide of **SEQ ID NO: 1**; compound **CII (with p=3)** and the peptide is **directly labeled.**

Applicants respectfully note that Examiner Khanna, in a telephone discussion with Applicants' U.S. representatives, on April 10, 2007, indicated that Claims 1-9 are linking claims which would be examined regardless of which group Applicants elected for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). Moreover, when citing lack of unity of invention, in a national

stage application, the Examiner has the burden of explaining why each group lacks unity with each other (MPEP §1893.03(d)), i.e. why there is no single general inventive concept. The presence of no single inventive concept must be specifically described.

The Office has indicated that the application contains a group of inventions (I-IV) which are directed to related products. Citing MPEP § 806.05(j) the Office has stated:

> "the claims drawn to a peptide labeled with fluorine-18 wherein compound (CI) corresponds to compounds (CII) through (CV) do not overlap the scope as evidences by the different structures of the claimed (CI) compounds which label directly or indirectly a plethora of sequences with unknown identity that are not related in structure."

Applicants respectfully submit that the above-identified application is a U.S. National application filed under 35 U.S.C. 371. MPEP § 1893.03(d) states:

> "Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371."

Applicants respectfully refer to Annex B of the Administrative Instructions Under the PCT, paragraph (c), which states in part, "Unity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims." Claims 10, 12, 14 and 16 all depend from Claim 9 in this application.

Applicants submit that the Examiner has not carried the burden of providing reasons or examples specifically supporting a conclusion that the groups lack unity of invention nor has the dependency of claims 10, 12, 14 and 16 from claim 9 been considered. For these reasons, Applicants submit that the Requirement for Restriction should be withdrawn.

The Office has indicated that Groups V and VI are drawn to a method of synthesizing and a method of using respectively.

Applicants respectfully submit that 37 C.F.R. § 1.475(b) states in pertinent part:

> "An international or a national stage application containing claims to different categories of invention will be considered to have unity of

> invention if the claims are drawn only to one of the following combinations of categories:
>
> (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; . . ."

Applicants respectfully submit that the Examiner has not considered the relationship of the inventions of Groups I-VI with respect to MPEP § 1893.03(d) or 37 C.F.R. § 1.475(b)(3) and therefore has not met the burden necessary according to MPEP § 1893.03(d) to sustain the conclusion that the groups lack of unity of invention. For this reason, Applicants submit that the Requirement for Restriction should be withdrawn.

Applicants submit that the above identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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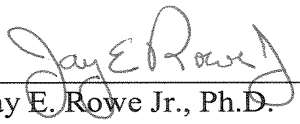

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